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SUBJECT: NEPAL CRIMINALIZES ABDUCTION

Summary

¶1. At the end of November, the Interim Parliament passed a law making abduction or hostage taking a criminal offense. Those convicted will now face from 4-15 years in prison and a fine ranging from Rupees 25,000 - 200,000 rupees (around USD 400 - 3,200), with longer sentences for crimes involving female or child victims. The new law comes in the wake of several high-profile abductions by Maoists and criminals.

Abduction Law Adopted

¶2. On November 28, the Interim Parliament adopted the law "Regarding Abduction or Taking Hostage." The law for the first time criminalized abduction or hostage taking. These acts had previously been treated as civil offenses (similar to a misdemeanor) with minimal punishments. Kul Burtel, the Secretary of the Ministry of Law and Parliamentary Affairs, told Emboff December 13 that the Government of Nepal (GON) had originally intended to adopt the regulation as an ordinance, but then took advantage of support in the Parliament to adopt it as a full-fledged law. (Comment: Ordinances lapse after a set time.)

Nature of the Law

¶3. The new law covers every conceivable possibility of force or threat in taking someone under control or forcing one against their will and, in so doing, distinguishes between abduction and hostage taking. Any capture or abduction carried out with intention to murder, assault, rape, sodomize, sell, enslave, torture, sell into forced labor or prostitution is regarded as a serious crime and subject to 7-15 years imprisonment and Rs. 50,000 to 200,000 (around USD 800 ? 3,200). Abduction or holding one hostage will now result in 4-8 years imprisonment and a fine of Rs. 25,000-100,000 (around USD 400 ? 1,600). An additional two-year sentence will be imposed for any violation of the act involving a minor or woman. Several other provisions address other unusual circumstances. It is noteworthy that these crimes are not bailable.

Comment

¶4. As recently as a few months ago, the Parliament's passage of

the Abduction Law was not assured. Law Secretary Burtel confided that the Maoists had initially opposed the bill when its provisions were first debated in the Parliament over the summer. He explained that Maoist concern that they would be targeted for abuses by the Maoist-affiliated Young Communist League had been reduced as they came to realize that the law could also be used against Madhesi extremists in the Terai. The hue and cry over the recent Maoist abduction and killing of a Madhesi journalist as well as recent high-profile abductions and killings of children in Kathmandu by criminal groups finally made Maoist opposition untenable. The key to this law's success will be enforcement and support from the country's criminal justice system.

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